

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD/FM)
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This document relates to: *Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al.*, 04-CV-1076 (GBD)

Affidavit in Support of the O'Neill Plaintiffs' Motion to Proceed Under 28 U.S.C. § 1605A as Against the Iran Defendants

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JERRY S. GOLDMAN, Esquire, being duly sworn, deposes and says:

1. I am a shareholder at Anderson Kill, P.C., attorneys for the O'Neill Plaintiffs in the above-captioned action. I am familiar with the facts and circumstances of this case and am admitted to practice in this Court.

2. I make this affidavit in support of the O'Neill Plaintiffs' Motion to Proceed Under 28 U.S.C. § 1605A as Against the Islamic Republic of Iran, the Iranian Ministry of Intelligence and Security, the Iranian Minister of Intelligence and Security Ali Fallahian, the Iranian Revolutionary Guard Corps, the Iranian Revolutionary Guard Corps – Qods Force, Ayatollah Ali Hoseini-Khamenei, and Deputy Commander Brigadier General of the Iranian Revolutionary Guard Corp. Mohammed Baqr Zalqadr, (collectively, the "Iran Defendants").

3. This is an action to recover damages owed by the Iran Defendants to Plaintiffs for deaths resulting from the September 11, 2001 terrorist attacks upon the United States (the "September 11th Attacks"). The Iran Defendants have been sued

based on their participation in a conspiracy to commit acts of international terrorism against the United States, its citizens and allies, of which the September 11th Attacks were a direct, intended and foreseeable product.

4. On July 9, 2015, the *Federal Insurance* and *Ashton* Plaintiffs sought an Order from this Court granting leave to proceed against Iran under 28 U.S.C. § 1605A and an Order recognizing that service of the amended pleading on Iran is not required. A true and correct copy of *Federal Insurance* and *Ashton* Plaintiffs' Memorandum of Law in Support of Their Joint Motion to Proceed Under 28 U.S.C. § 1605A as Against Defendant, the Islamic Republic of Iran, dated July 9, 2015, MDL Dkt. No. 2968, is attached and incorporated hereto as **Exhibit A**.

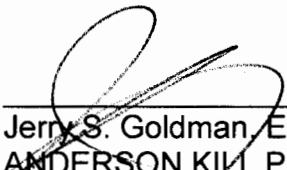
5. For the reasons set forth in *Federal Insurance* and *Ashton* Plaintiffs' Memorandum of Law, the *O'Neill* Plaintiffs respectfully request the Court grant the *O'Neill* Plaintiffs' Motion to Proceed Under 28 U.S.C. § 1605A as Against the Iran Defendants.¹

6. The *O'Neill* Plaintiffs accordingly hereby move in the above-referenced matter, to amend their complaint *solely against the Iran Defendants*, in the form attached hereto as **Exhibit B**.

¹ There are three *O'Neill* cases— *Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al.*, 04-cv-01076-GBD; *Estate of John P. O'Neill, Sr., et al. v. Kingdom of Saudi Arabia, et al.*, 04-cv-01922 (GBD); and *Estate of John P. O'Neill, Sr., et al. v. Al Baraka Investment & Development Corp., et al.*, 04-cv-01923 (GBD). The present motion applies only to *Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al.*, 04-cv-01076-GBD.

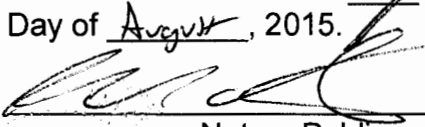
7. A proposed order granting leave to proceed against the Iran Defendants under 28 U.S.C. § 1605A and recognizing that service of the amended pleading on the Iran Defendants is not required is attached hereto as **Exhibit C**.

Dated: August 11, 2015
New York, NY



Jerry S. Goldman, Esquire
ANDERSON KILL P.C.
1251 Avenue of the Americas
42nd Floor
New York, NY 10020

Sworn to before me this 11th
Day of August, 2015.



Notary Public
BRUCE ELLIOT STRONG
Notary Public, State of New York
No. 026T6317690
Qualified in New York County
Commission Expires Jan. 12, 2019